<u>REMARKS</u>

This application has been reviewed in light of the Office Action dated June 7, 2006. Newly added Claims 49-72 are now presented for examination, of which Claims 49, 60, 71 and 72 are in independent form. Claims 23, 26-34, and 37-48 have been canceled, without prejudice or disclaimer of subject matter. Favorable reconsideration is respectfully requested.

In the outstanding Office Action, Claims 23, 26-34 and 37-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by Geiger et al. (U.S. Patent 6,073,142).

In the aspects of the present invention to which the present independent claims are directed, an E-mail to be sent to a communication apparatus is first stored in a mail box provided on an E-mail server connected to the communication apparatus through a network. On such a premise, before the E-mail is received, a discrimination is made, based on attribute information of the E-mail, whether or not to receive the E-mail. Then, if it is discriminated to receive the E-mail, then the E-mail is actually received by the communication apparatus. On the other hand, if it is discriminated not to receive the E-mail, then the E-mail is not received, and a further discrimination is made as to whether or not to receive another E-mail.

More specifically, independent Claim 1 is directed to a communication apparatus which is connected to an E-mail server via a network, the apparatus comprising a receiving unit, a first obtaining unit and a discrimination unit. The receiving unit receives an E-mail which is to be sent to the communication apparatus, stored in a mail box provided on the E-mail server, and the first obtaining unit obtains attribute information of the E-mail stored in the mail box. The discriminating unit makes a discrimination as to whether or not to receive the E-mail, and does this before the receiving unit receives the E-mail. The discrimination is made based on the attribute information obtained by the first obtaining unit. In a case where the

discrimination is that the E-mail should be received, the receiving unit receives the E-mail, while in a case where the discrimination is that the E-mail should not be received, the receiving unit does not receive the E-mail and the discriminating unit further makes a discrimination as to whether or not to receive a different E-mail.

By virtue of the structure of the apparatus set out in Claim 49, therefore, even if there is an E-mail not to be received (hereinafter "E-mail A" for convenience), it is possible to make sure that other E-mails are still received as they ought to be.

As an example, one embodiment (to which however Claim 49 is not limited), the discrimination may be based on the data amount of the E-mail. If the data amount of the E-mail is equal to or less than an allowable value (e.g., a predetermined value, a memory residual capacity, or the like), it is discriminated to receive the relevant E-mail, and otherwise, the discrimination is that the E-mail should not be received. Regardless of whether this technique of making the discrimination is employed or not, the apparatus performs the above-described series of operations for each of the E-mails stored in the mail box on the server, and receives those that pass the test made by the discriminating unit, While not receiving those that fail that test. Thus, even if one or more E-mails in the mail box are ones that are not to be received, that fact is not permitted to interfere with the proper reception of other E-mails in the mail box that should be received.

Referring again to the exaple in which data amount is used as a basis for the discrimination, even if it is discriminated not to receive a certain E-mail because the data amount of this E-mail exceeds the allowable value, then it is still continuously discriminated based on the data amounts of other E-mails whether or not to receive these E-mails. In other words, the discrimination not to receive a given E-mail because the data amount thereof exceeds the

allowable value does not end the whole process, leaving other E-mails, which could be received, unopened in the mail box, but continues so that all those other, receivable E-mails are in fact received.

Geiger relates to a system which, for example, transfers, deletes and returns an E-mail according to a business rule in the gate keeper of an automatic mail system. More specifically, as shown in FIG. 4A, in the REPO 102, after the E-mail is received from the sending side by the receipt engine 200 (404), an action (decided based on the size of the E-mail, the number of attachments, and the like) for the E-mail message is applied by the rule engine 210 (412). Here, it should be noted that the Geiger system discriminates the action to be applied, only after receiving all the E-mails. Applicant submits that this does not suggest Applicant's apparatus recited in Claim 49, whose receiving unit receives a given E-mail only after the discriminating unit has made a discrimination about that E-mail. Applicant submits that it is apparent from this that the Geiger system cannot provide the benefit of the apparatus of Claim 49, to prevent receivable E-mails being needlessly left in the mail server merely because one E-mail in the mail box is not receivable.

Again, note that in the Geiger system, it is assumed that the residual capacity of the memory on the reception side (corresponding to the communication apparatus in the present invention) is small. In this case, in Geiger, if the data amount of the E-mail to be received exceeds the residual capacity of the memory, the E-mail message cannot be received in step 404 of FIG. 4A, and thus there is a possibility that an error may occur. Moreover, in a case where such an error occurs, Geiger does not perform any process concerning an E-mail other than the E-mail which caused the error.

That is, as explained above, the above important features of the apparatus of Claim 49 are not disclosed or suggested in *Geiger*, and the *Geiger* system cannot provide the benefit of the apparatus of Claim 49. Accordingly, it is believed that Claim 49 is allowable over that patent.

Independent Claims 60, 71 and 72 are method, program and computer memory medium claims, respectively, corresponding to apparatus Claim 49, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 49.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Leonard P Diana/
Leonard A. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 591094v1